

sc

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/031,562	HAYWARD, PHILLIP FIELDS
	Examiner Vishal Patel	Art Unit 3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to after final amendment filed on 10/18/04.

2.  The allowed claim(s) is/are 25-40 and 42-47.

3.  The drawings filed on 26 October 2001 are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- 1.  Notice of References Cited (PTO-892)
- 2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
- 4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- 5.  Notice of Informal Patent Application (PTO-152)
- 6.  Interview Summary (PTO-413),  
Paper No./Mail Date 12/7/04.
- 7.  Examiner's Amendment/Comment
- 8.  Examiner's Statement of Reasons for Allowance
- 9.  Other \_\_\_\_\_.

#### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Walter F. Dawson on 12/7/04.

---

The application has been amended as follows:

25. (Currently Amended) A method of installing gaiters around a range of joints defined between joint members having different dimensions, the method comprising the steps of providing a range of gaiters having different dimensions in which each end portion of at least one gaiter of the said gaiter range incorporates a respective single annular fitting section or channel, the range of joint dimensions being greater than the range of gaiter dimensions, and providing at least some of the gaiters in said gaiter range being that are permanently stretchable to a diameter which is 1 15% of the respective unstretched end portion diameter in order to fit two or more joints of the said joint range so the said joint range can be accommodated by the range to fit a particular joint, and applying respective gaiters around the joints such that two or more joints of different dimensions have applied thereto gaiters having the same dimensions and which are stretchable as aforesaid.

26. (Currently Amended) A method of installing gaiters around a range of joints defined between joint members having different dimensions, the method comprising the steps of

providing a range of gaiters having different dimensions, of the kind having a tubular body part and opposite end portions each tapered in a direction away from the body portion, for use with a range of joints of different dimensions, the range of joints being greater than the range of gaiter dimensions, and providing at least some of the gaiters in said gaiter range being that are permanently stretchable to a diameter which is 115% of the respective unstretched end portion diameter in order to fit two or more joints of the said joint range, and applying respective gaiters around the joints such that two or more joints of different dimensions have applied thereto gaiters having the same dimensions and which are stretchable as aforesaid.

---

2. The following is an examiner's statement of reasons for allowance: Prior art fails to teach or fairly suggest the claimed invention particularly that the at least some of the gaiters in the gaiters range that are permanently stretch to a diameter which is 115% of the respective unstretched end portion diameter in order to fit two or more joints of the joint range.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann, can be reached on (703) 306-4115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer

Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** 703-872-9326, for formal communications for entry before Final action; or, 703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP  
December 7, 2004



ALISON PICKARD  
PRIMARY EXAMINER

Primary Patent Examiner  
Tech. Center 3600